

**MINUTES OF THE RHODE ISLAND
REAL ESTATE COMMISSION**

DATE: April 8, 2009

TIME: 3:00 P.M.

LOCATION: Department of Business Regulation

John O. Pastore Center

1511 Pontiac Ave. Bldg. 69-1

Cranston, RI 02920-0942

Members Present:

John Silvia, Robert Recchia, Pamela Kobrock, Thomas Foley, Michael Bailey, David Iannuccilli, Brenda Marchwicki, Laura Marasco, Special Assistant Attorney General, Michael Jolin, Legal Counsel Dept. of Business Regulation, Leslie Pratt, Licensing Aide Department of Business Regulation and William J. DeLuca, Acting Real Estate Administrator for the Department of Business Regulation

Chairman David Iannuccilli called the meeting to order at 3:08 PM.

Chairman asked for a motion to accept the minutes of the last meeting. John Silva made the motion to accept the minutes of the last meeting. Brenda Marchwicki seconded the motion. All were in favor.

Michael Jolin informed the Board that the new regulations were

posted on the Department's website and scheduled for public hearing on May 5, 2009.

Chairman opened discussion on review of Chapter 5-20.5 Real Estate Brokers and Salesperson.

General discussion occurred on the following areas of Chapter 5-20.5:

Chapter 5-20.5-3(b). Rising of fees.

Chapter 5-20.5-3(c). Oath of Broker and employment status.

Chapter 5-20.5-6. Duration of Licenses.

Chapter 5-20.5-8. Corporations, Partnerships or associations engaging in business.

Chapter 5-20.5-5. Real Estate Recovery Account.

Chapter 5-20.5-7. Fixed Office required – Display of license.

Chapter 5-20.5-10(b) Nonresident Brokers -Compensation

General discussion ensued that research of the Massachusetts, Connecticut, California, North Carolina and Colorado real estate laws should be reviewed for different perspectives on resolving issues of law coming before the board.

Michael Jolin recommended that the Board take a group approach with combining various laws together. Examples were described as:

1. Applications, Persons, Exempt and examinations.

2. Renewal, Duration of licenses, fixed office, continuing education

and non-residents.

3. Suspension, revocations, hearings appeals, penalties and orders.

4. Real estate schools and permits.

Chairman Iannuccilli advised the Board to be prepared for review and discussion of Chapter 5-20.5 –1. Definitions

Chapter 5-20.5-2. Persons Exempt

Chapter 5-20.5-3. Contents of application – Application fee – Recommendations

required.

Chapter 5-20.5-4. Examination of applicants – Examination fee – Licensing without

examination.

Chapter 5-20.5-18. Department assistance in educational programs.

Chapter 5-20.5-19. Real Estate Courses and schools – Regulation – Issue and revocation

of permits – Exceptions.

Chapter 5-20.5-20. Real Estate school permit – Fees – Penalty for operation without

permit prohibited.

Chairman asked if there were any public comments.

Monica Staaf discussed the Independent Contractor Form and its need to be filed with the Department of Labor. She also discussed recent legislation filed in reference to title attorneys trying to limit out

of state title companies, that usually do not use title attorneys, from practicing law in Rhode Island. The legislation is poorly worded with no exemption for those conducting real estate transactions.

Michael Jolin advised the Board of his departure from the Department of Business Regulation at the end of the month. He has accepted a position with the National Guard.

Chairman advised that the next meeting would be held on Wednesday, May 13, 2009 at 3:00 PM.

Chairman asked for a motion to adjourn. Motion made by John Silvia. Thomas Foley seconded the motion. All in favor.

Meeting adjourned at 4:38 P.M.

Respectfully submitted,

William J. DeLuca

Acting Real Estate Administrator